

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CARLA DEFILIPPO,

Plaintiff,

v.

CBS CORPORATION, d/b/a
WBZ-TV,

Defendant.

NOTICE OF REMOVAL

(Superior Court Department of the
Trial Court, Suffolk County,
Commonwealth of Massachusetts, Civil
Action No. 12-1554)

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1441(a) and 1446, Defendant CBS Corporation, d/b/a WBZ-TV (“CBS” or “Defendant”), by its undersigned counsel, respectfully notices removal of this action from the Superior Court Department of the Trial Court, Suffolk County, Massachusetts, to the United States District Court for the District of Massachusetts, by filing of this Notice of Removal with the Clerk of the United States District Court for the District of Massachusetts.

Defendant, by and through its undersigned attorneys, respectfully states the following grounds as the basis for removal of this action:

1. On or about April 23, 2012, Plaintiff Carla DeFilippo filed an action in the Superior Court Department of the Trial Court, Suffolk County, Massachusetts, entitled *DeFilippo v. CBS Corporation, d/b/a WBZ-TV*, which was assigned Civil Action No. 12-1554 (the “State Court Action”).

2. On or about June 1, 2012, CBS was served with a copy of the Summons and Complaint in the State Court Action by personal service on Corporation Service Company in Wilmington, Delaware. (A copy of the Summons and Complaint is annexed hereto as “Exhibit 1”). No other process, pleadings or orders have been received by or served on Defendant in the State Court Action.

3. This Notice of Removal is being filed within 30 days after Defendant received a copy of the Summons and Complaint in the State Court Action, and, therefore, is timely filed pursuant to 28 U.S.C. § 1446(b).

4. This action is removable pursuant to 28 U.S.C. § 1441(a). It is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332, in that there is complete diversity of citizenship between Plaintiff and Defendant and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

JURISDICTION EXISTS UNDER 28 U.S.C. § 1332

The Parties are Diverse

5. There is complete diversity between the plaintiff and defendant because at the time of the filing of this action and this notice, plaintiff did/does not share a state of residence with any defendant:

- a. According to the Complaint, Plaintiff DeFilippo resides in East Boston, Massachusetts, and therefore is domiciled in Massachusetts.
- b. Defendant CBS Corporation, d/b/a WBZ-TV is a corporation organized under the laws of the State of Delaware with its principal place of business located at 51 West 52nd Street, New York, NY 10019.

The Amount in Controversy Reasonably Exceeds \$75,000

6. For this Court to have subject matter jurisdiction based on diversity of citizenship, the amount in controversy must exceed the sum or value of \$75,000, exclusive of interest and costs. 28 U.S.C. § 1332(a).

7. In the State Court Action, Plaintiff seeks to recover damages substantially in excess of \$75,000, exclusive of interest and costs. Plaintiff alleges claims of employment misclassification, violations of the Family and Medical Leave Act, lost income, lost benefits and emotional distress and demands compensatory damages in the form of lost wages, front-pay and emotional distress. In particular, she alleges that she was misclassified as exempt for a period of at least four years, while routinely working overtime each week, and her demand for front pay indicates that she claims full salary since her termination in January 2012 and for an indeterminate period into the future. She also claims emotional distress and other losses related to denials of leave. Together, these claimed amounts are likely to exceed \$75,000.

8. Plaintiffs' State Court Action is, therefore, an action of a civil nature between citizens of different states where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and may be removed to this Court pursuant to the provisions of 28.U.S.C. §§ 1441(a) and 1446.

9. Upon the filing of this Notice of Removal, Defendant will give notice thereof to plaintiff's attorney, Joseph Sulman. Defendant will also file copies of this Notice with the Clerk, Superior Court Department of the Trial Court, Suffolk County, Massachusetts.

WHEREFORE, Defendant respectfully prays that this action proceed in this Court as a matter properly removed thereto.

Dated: June 21, 2012
Boston, Massachusetts

Respectfully submitted,

CBS CORPORATION, d/b/a WBZ-TV

By its attorney,

/s/ Mark W. Batten
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CERTIFICATE OF SERVICE

On this 21st day of June, 2012, I hereby certify that a true copy of the above document was served upon the attorney of record for the plaintiff via email to:

Joseph L. Sulman
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Boston, MA 02110
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/s/ Mark W. Batten
Mark W. Batten